

REMARKS

Claim Objections

Claim 9 was objected to because the Examiner believed the term “connects” in line 7 should be changed to --connected to--. Applicants agree and claim 9 has been amended accordingly. The objection to claim 9 therefore should be overcome.

Claim Rejections

(i) § 112 Rejections

Claims 11-13 were rejected under 35 U.S.C. § 112 as indefinite because the Examiner believed there was insufficient antecedent basis for the “the second stimulation stage” limitation in line 2 of the claims. The Examiner suggested that this rejection could be overcome if claims 11-13 were amended to be dependent from claim 10. Applicants agree and have amended claims 11-13 accordingly. This ground of rejection therefore should be overcome.

(ii) § 102 Rejections

To more clearly describe the present invention, Applicants have cancelled claims 2 and 3, without prejudice, and incorporated the features recited therein into claim 1. Claims 5-7 also have been amended to depend from claim 1 instead of cancelled claim 3.

Claims 1, 2, and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,846,264 to Andersson (“Andersson”). Andersson discloses a first output capacitor (C1) and a second output capacitor (C3), which both belong to the same output stage. By contrast, claim 1, as amended, recites, among other things, a second stimulation stage having an additional, i.e., second, specific output capacitor taken from a second stimulation stage. Because this feature, among others, is neither disclosed nor suggested in Andersson, withdrawal of the § 102 rejection of independent claim 1, and claim 8 depending therefrom, respectfully is requested.

Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,615,089 to Russie ("Russie"). Russie discloses substituting a second pacing channel generator for a pacing channel that has just delivered a pulse and failed to achieve capture. See Russie at col. 6, lines 28-31 and 38-42. By contrast, claim 1, as amended, recites, among other things, a second stimulation stage having an additional, i.e., second, specific output capacitor taken from a second stimulation stage. Because this feature, among others, is neither disclosed nor suggested in Russie, withdrawal of the § 102 rejection of independent claim 1, and claims 5-7 depending therefrom, respectfully is requested.

Allowable Subject Matter

The Examiner indicated that claims 4 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claim 14 represents claim 4 rewritten in independent form to include all the limitations of base claim 1 and intervening dependent claims 2 and 3. New claim 15 represents claim 10 rewritten in independent form to include all the limitations of base claim 1 and intervening dependent claim 8.

The Examiner indicated that claim 9 would be allowable if rewritten to overcome the informality objection discussed previously and to include all of the limitations of the base claim and any intervening claims. New claim 16 represents claim 9 rewritten to overcome the informality objection and in independent form to include all the limitations of base claim 1 and intervening dependent claim 8.

The Examiner indicated that claims 11-13 would be allowable if rewritten to overcome the §112, ¶ 2 rejections discussed previously and to include all of the limitations of the base claim and any intervening claims. New claims 17-19 represent claims 11-13 amended to overcome the §112 rejections and rewritten to depend from new claim 15, which represents claim 10 rewritten in independent form.

CONCLUSION

Applicants believe that all of the claims pending in the application now are in condition for allowance. Reconsideration of this application in view of the foregoing amendments and remarks respectfully is requested.

The Examiner is invited to call Applicants' undersigned attorney if doing so would expedite prosecution.

Respectfully submitted,



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Date: January 3, 2005